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FISCAL IMPACT REPORT

ORIGINAL DATE 2-27-07

SPONSOR Stewart LAST UPDATED 3-5-07 HB HM 42/aHF1

SHORT TITLE Review Water Development Planning Authority SB _____

ANALYST Woods

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 551, HB 1080, HB 551, HB 1080, SB962, and HB1032

SOURCES OF INFORMATION

LFC Files

Response Received From
Office of the State Engineer (OSE)

SUMMARY

Synopsis of HF1 Amendment

House Floor Amendment Number 1 to House Memorial 42, amends to legislation to reflect the following language:

1. On page 2, between lines 20 and 21, insert:

"WHEREAS, there have been proposals to adopt criteria to be included in the water development plans, to make the plans public, to have them be adopted by the appropriate governing body and to update them regularly; and

WHEREAS, when planning for the future, it is necessary to include representatives from agricultural interests and from Indian nations, tribes and pueblos; and".

Synopsis of Original Bill

House Memorial 42 requests the state engineer to convene representative stakeholders for the

purpose of informing and making recommendations to the state engineer relating to planning authority that should be allowed to municipalities, counties, school districts, state universities, member-owned community water systems, special water users associations and regulated water and electric public utilities. It also directs that interstate commerce limitations on the state's ability to conserve the state's water supplies be included in the evaluation, and requires the state engineer report the state engineer's recommendations to the appropriate interim legislative committee by August 1, 2007. The memorial directs that a copy of the memorial be transmitted to the governor and the state engineer.

There is no appropriation attached to this legislation.

SIGNIFICANT ISSUES

OSE indicates that numerous other bills have been introduced this session that propose to amend §72-1-9, including HB 551, HB 1080, HB 1234, SB1118 and SB 962. HM 42 has been introduced to avoid conflicting amendments or amendments that could result in unintended consequences. Under this joint memorial, the state engineer would convene representative stakeholders interested in the planning authority provided by § 72-1-9 to inform and make recommendations to the state engineer of their water planning issues and needs, so the state engineer can make his recommendations to the legislature as to how they may be addressed.

PERFORMANCE IMPLICATIONS

OSE suggests that while additional FTE's will be required for this process, the short term increase in work load can be absorbed into the normal day-to-day work of the office of the state engineer.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

OSE notes the following relationships:

HM 42 relates to HB 551 and HB 1080 (duplicates), which would amend § 72-1-9 NMSA 1978 to extend the water use planning periods allowed by that statute from 40 years to 100 years.

HM 42 relates to HB 551 and HB 1080 (duplicates), which substantially amend § 72-1-9 NMSA 1978 with criteria for water development plans.

HM 42 relates to SB962 and HB1032 (duplicates), which amend §72-1-9 NMSA 1978 to add water and sanitation districts to the already lengthy list of entities allowed to implement a forty year water use planning period and to hold water rights unused for up to forty years.

BFW/nt